

**MINUTES OF MEETING OF THE REGULAR SESSION OF
THE
TOWN COUNCIL
OF THE TOWN OF SMYRNA
ON MAY 12, 2009**

The Town Council of the Town of Smyrna, Rutherford County, Tennessee, met in regular session at 6:00 p.m. on May 12, 2009 at Town Hall with the Honorable Tony Dover, Vice-Mayor, presiding.

Vice-Mayor Dover called the meeting to order. The invocation was offered by Associate Pastor Ron Anderson, River of Life. The pledge of allegiance was led Smyrna Fire Chief Bill Culbertson.

The roll was called by the Town Clerk and the following Town Council Members were present:

H. G. Cole
Tony Dover
Paul Johns
Lance Lee
Tim Morrell

Mayor Spivey and Council Member Mary Esther Reed were not in attendance.

1. Approval or Correction of Minutes of the April 14 and April 30, 2009 meetings.

The Town Council first considered a motion by Council Member Paul Johns to approve the minutes of the April 14, 2009 regular session of the Town Council and the April 30, 2009 regular work session of the Town Council. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously.

2. Correspondence/Communications.

There was no correspondence or communications to be presented to the Town Council at this time.

3. Awards and Recognitions.

There were no awards or recognitions to be presented to the Town Council at this time.

4. Consent Agenda.

The following Consent Agenda items were next presented for consideration by the Town Council:

- a. Approval of the terms of, and authorization for the Mayor to execute, a contract with HMA Contractors relative to annual paving.
- b. Approval of the terms of, and authorization for the Mayor to execute, a contract with Comcast Commercial Services, LLC relative to internet service.
- c. Approval of the terms of, and authorization for the Mayor to execute, a contract with AT & T relative to long distance service.
- d. Approval of the terms of, and authorization for the Mayor to execute, a contract with Business Training Library relative to use of employee training videos.
- e. Approval of the terms of, and authorization for the Mayor to execute, a contract with B. H. Holmes Construction Co., Inc. relative to rebuilding the Air Base Regulator Station.
- f. Approval of the terms of, and authorization for the Mayor to execute, a change order relative to Sewer System Rehabilitation Project Basins E1, E2 and E3.
- g. Approval of the terms of, and authorization for the Mayor to execute, a Modification Agreement with Thomson West relative to electronic legal research access.
- h. Approval of Identity Theft Prevention Program.
- i. Approval of the terms of, and authorization for the Mayor to execute, a contract with Online Utility Exchange relative to verification of new utility service customers.
- j. Approval of the terms of, and authorization for the Mayor to execute, an agreement with the Regional Transportation Authority for the Relax and Ride Service FY2009-2010.
- k. Approval of the terms of, and authorization for the Mayor to execute, a contract with Stansell Electric, Co., Inc. relative to Water Plant Emergency Generators Project.

Following discussion, Vice-Mayor Dover made a motion to defer consideration of Item 6i. to the June meeting. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously.

Following further discussion, Council Member Paul Johns made a motion to approve and adopt the remainder of the Consent Agenda, with recommendations made by Counsel, and to authorize the Mayor or Vice-Mayor to execute said documents. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of each document referenced on the Consent Agenda is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "1".

5. Old Business.

- a. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Zoning Ordinance, Article II "Definitions", Section 2.020 "Definitions" and Section 2.036.22 "Activity Type-Retail Sales of Alcoholic Beverages", and Article V "Zoning Districts", Section 5.052.2 "C-2, Highway Service District", Subsection B. "Uses Permitted" and Section 5.052.3 "C-3, Restricted Commercial District", Subsection B. "Uses Permitted" related to retail sales of alcoholic beverages. Second Reading.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the amendment of Town of Smyrna Municipal Zoning Ordinance, Article II "Definitions", Section 2.020 "Definitions" and Section 2.036.22 "Activity Type-Retail Sales of Alcoholic Beverages", and Article V "Zoning Districts", Section 5.052.2 "C-2, Highway Service District", Subsection B. "Uses Permitted" and Section 5.052.3 "C-3, Restricted Commercial District", Subsection B. "Uses Permitted" related to retail sales of alcoholic beverages. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "2". (Ordinance #09-13).

- b. **PUBLIC HEARING: Consideration of an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages" to add an**

ordinance authorizing the sale of packaged liquor in the corporate town limits and setting forth the requirements for the issuance of a certificate of compliance from the town for the privilege of selling such packaged liquor. Second Reading.

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the amendment of the Town of Smyrna Municipal Code, Title 8 "Alcoholic Beverages", Chapter 3 "Retail Sales of Alcoholic Beverages" to add an ordinance authorizing the sale of packaged liquor in the corporate town limits and setting forth the requirements for the issuance of a certificate of compliance from the town for the privilege of selling such packaged liquor. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance, as amended to delete subsections 8-313(2)(a)(vi) and (vii), on second and final reading. The motion was duly seconded by Council Member Lance Lee. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "3". (Ordinance #09-14).

c. PUBLIC HEARING: Consideration of an ordinance to amend Ordinance No. 08-14, adopting the 2008-2009 Fiscal Year Budget, specifically the 2008-2009 Fee Schedule to add fees within the Treasury Department related to packaged liquor. Second Reading.

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance to amend Ordinance No. 08-14, adopting the 208-2009 Fiscal Year Budget, specifically the 2008-2009 Fee Schedule to add fees within the Treasury Department related to packaged liquor. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "4". (Ordinance #09-15).

d. PUBLIC HEARING: Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 2 “Boards and Committees, Etc.”, Chapter 1 “Beautification Committee”, related to disbanding of the committee and the elimination of the Beautification Ordinance . Second Reading.

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered on second and final reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 2 “Boards and Committees, Etc.”, Chapter 1 “Beautification Committee”, related to disbanding of the committee and the elimination of the Beautification Ordinance. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on second and final reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on second and final reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “5”. (Ordinance #09-16).

There was no other Old Business to be considered by the Town Council.

6. New Business.

a. Planning Commission Report.

i. Consideration of an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 43.03, comprising approximately .86 acre, (requested by Tika Smith), from C-2 to PUD. Property is located at 717 South Lowry Street. First Reading.

The Town Council next considered on first reading an ordinance relative to the rezoning of property located on Tax Map 34, Parcel 43.03, comprising approximately .86 acre, (requested by Tika Smith), from C-2 to PUD. Property is located at 717 South Lowry Street. The recommendation of the Planning Commission was that the Town Council approve the rezoning request. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “6”. (Ordinance #09-17).

- ii. **Consideration of an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding Article V, Section 5.053.1 I-1, Light Industrial District, to add religious facilities as a use permitted as a special exception. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding Article V, Section 5.053.1 I-1, Light Industrial District, to add religious facilities as a use permitted as a special exception. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "7". (Ordinance #09-18).

- iii. **Consideration of an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding clarification of outdoor storage requirements, specifically Article V, Section 5.052.2 C-2 Highway Service District. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment to the Town of Smyrna Municipal Zoning Ordinance regarding clarification of outdoor storage requirements, specifically Article V, Section 5.052.2 C-2 Highway Service District. The recommendation of the Planning Commission was that the Town Council approve the amendment. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Tim Morrell. Following discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "8". (Ordinance #09-19).

- b. **Appointment of five (5) members to the Packaged Liquor Board; two (2) members to serve three (3) year terms ending 2012; two (2) members to serve two (2) year terms ending 2011; and one (1) member to serve a one (1) year term ending 2010.**

The Town Council next considered a motion by Vice-Mayor Dover to appoint Scott Matuk and Molly Jennings to serve three (3) year terms ending 2012; Steven Barnes and Doris Jones to serve two (2) year terms ending 2011; and Neal Odom to serve a one (1) year term ending 2010 to the Packaged Liquor Board. The motion was duly seconded by Council Member H. G. Cole. Following further discussion, the motion was approved unanimously.

- c. **Consideration of an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 8 “Alcoholic Beverages”, Chapter 2 “Beer”, Sections 8-214 “Permits for certain premises prohibited”; 8-215 “Application for and issuance or refusal of permit”; 8-222 “Prohibited conduct or activities by beer permit holders”; 8-224 “Sales to minors prohibited, employment of ex-convicts prohibited”; and 8-226 “Penalties; violation”, related to distance requirements, applicant/employee convictions, and internal signage. First Reading.**

The Town Council next considered on first reading an ordinance relative to the amendment of Town of Smyrna Municipal Code, Title 8 “Alcoholic Beverages”, Chapter 2 “Beer”, Sections 8-214 “Permits for certain premises prohibited”; 8-215 “Application for and issuance or refusal of permit”; 8-222 “Prohibited conduct or activities by beer permit holders”; 8-224 “Sales to minors prohibited; employment of ex-convicts prohibited”; and 8-226 “Penalties; violation”, related to distance requirements, applicant/employee convictions, and internal signage. Following discussion, Council Member Tim Morrell made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “9”. (Ordinance #09-20).

- d. **Public Hearing: Approval of the terms of, and authorization for the Mayor to execute, an application for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act Award, known as the 2009 American Recovery and Reinvestment Act.**

At this time, Vice-Mayor Dover recessed the meeting without objection, and a public hearing was opened related to the agenda item. No one spoke for or against the agenda item.

At this time, the public hearing was closed without objection, and the Council meeting was resumed without objection.

The Town Council next considered a motion by Council Member Paul Johns to approve the terms of and authorize the Mayor or Vice-Mayor to approve the application for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act Award, known as the 2009 American Recovery and Reinvestment Act. The motion was duly seconded by Council Member Tim Morrell. A copy of said document is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit “10”.

- e. **Consideration of an ordinance adopting the budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010. First Reading.**

The Town Council next considered on first reading an ordinance adopting the budget for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Following discussion, Council Member Paul Johns made a motion to approve and adopt said ordinance on first reading. The motion was duly seconded by Council Member Lance Lee. Vice-Mayor Dover noted for the record a conflict of interest due to the fact that his wife is an employee of the Town; however, he further declared that his argument and vote answered only to his conscience and obligation to his constituents and the citizens. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "11". (Ordinance #09-21). A special budget workshop was set for June 1, 2009 at 5:00 p.m. to discuss the non-profits.

f. Consideration of an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2009 and ending June 30, 2010. First Reading.

The Town Council next considered on first reading an ordinance establishing the property tax levy for the fiscal year beginning July 1, 2009 and ending June 30, 2010. Following discussion, Council Member Lance Lee made a motion to approve and adopt said ordinance establishing the property tax levy at \$.86 on first reading. The motion was duly seconded by Council Member Paul Johns. Following further discussion, the motion was approved unanimously. A copy of said ordinance, as approved and adopted on first reading, is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "12". (Ordinance #09-22).

g. Consideration of the declaration of surplus property.

The Town Council next considered a motion by Council Member Tim Morrell to declare certain items as surplus property. The motion was duly seconded by Council Member Paul Johns. Following discussion, the motion was approved unanimously. A description of said surplus property is attached hereto and incorporated herein by reference as if set forth at length verbatim as Exhibit "13".

h. Consideration of TDOT Enhancement Grant relative to Depot.

The Town Council next considered a motion by Council Paul Johns to use the grant money for the Depot Project. The motion failed for lack of a second. Following discussion, Council Member H. G. Cole made a motion to use the grant money for the Greenway Project. The motion was duly seconded by Council Member Tim Morrell. Following further discussion, the motion was approved 4-1 with Council Member Paul Johns voting "no".

i. Other.

There was no other New Business to be considered by the Town Council.

7. Status Reports.

There were no status reports to be reported to the Town Council at this time.

8. Announcements.

Council Member Tim Morrell congratulated his granddaughter on graduating from high school and daughter graduating from medical school.

Council Member H. G. Cole also congratulated his daughter-in-law and Jeff Peach on graduating from law school.

Council Member Paul Johns asked the citizens to remember Mayor Spivey and Attorney Michele Elliott in their prayers.

Vice-Mayor Dover thanked Attorney Alvin Harris for being at the meeting.

Without objection, the meeting was adjourned.

TOWN OF SMYRNA, TENNESSEE



TONY DOVER, Vice-Mayor

ATTEST:



DIANNE WALDRON, Town Clerk